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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPENWAVE SYSTEMS INC.,

No. C 10-02805 WHA

Plaintiff,

v.

MYRIAD FRANCE S.A.S.,

**ORDER GRANTING
LEAVE TO RE-FILE
DECLARATIONS**

Defendant.

AND RELATED COUNTERCLAIMS

Myriad seeks leave to resubmit the declarations of Cyrille Amar, Obie Oberoi, and Simon Wilkinson in support of Myriad's opposition to Openwave's motion for partial summary judgment. Myriad explains that the phrase "under the laws of the United States of America" was inadvertently omitted from the filed declarations (Dkt. No. 212). Openwave "does not oppose" Myriad's administrative motion so long as the additional evidentiary objections to the declarations set forth in Openwave's response may be considered. Openwave explains that this provision would cure the prejudice of allowing Myriad to re-file corrected declarations after Openwave objected only to the original versions (Dkt. No. 237).

Myriad's administrative motion for leave to re-file corrected versions of the declarations is **GRANTED**. If those declarations become relevant to the Court's analysis of Openwave's motion for summary judgment, then Openwave's additional objections will be considered.

IT IS SO ORDERED.

Dated: May 12, 2011.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE